83-1151

IN THE

Supreme Court of the United States

OCTOBER TERM 1983

NO. _____

GILBERT M. SPRING,
Petitioner

v.

THE STATE OF TEXAS,
Respondent

PETITION FOR WRIT OF CERTIORARI TO TEXAS COURT OF CRIMINAL APPEALS

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QUESTIONS PRESENTED

1. WHETHER THE DUE PROCESS CLAUSE IS VIOLATED WHEN PETITIONER IS CONVICTED OF RESISTING ARREST UNDER A STATE STATUTE WHICH PROVIDES THAT THE OFFENSE IS COMMITTED BY USING FORCE BUT THE TERM FORCE IS NOT DEFINED BY THE LAW?

2. WHETHER THE DUE PROCESS CLAUSE IS VIOLATED WHEN PETITIONER IS CONVICTED OF RESISTING ARREST UNDER A STATE STATUTE WHICH PROVIDES THAT IT IS NO DEFENSE TO PROSECUTION UNDER THIS LAW THAT THE ARREST WAS UNLAWFUL?

3. WHETHER THE DUE PROCESS CLAUSE IS VIOLATED WHEN THE PETITIONER IS CONVICTED OF USING FORCE TO PREVENT THE OFFICER FROM EFFECTING THE ARREST BUT THE EVIDENCE SHOWS THAT PETITIONER DID NOT PREVENT THE OFFICER FROM EFFECTING THE ARREST OF PETITIONER?

4. WHETHER THE DUE PROCESS CLAUSE IS VIOLATED WHEN THE PROSECUTING ATTORNEY IS ALLOWED TO CROSS-EXAMINE A CHARACTER WITNESS FOR PETITIONER ABOUT AN EXTRANEOUS OFFENSE ALLEGEDLY COMMITTED BY THE PETITIONER?

SUBJECT INDEX

LIST OF AUTHORITIES

CASES

CONSTITUTION OF THE UNITED STATES

UNITED STATES STATUTES

TEXAS PENAL CODE

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PETITION FOR WRIT OF CERTIORARI TO TEXAS COURT OF CRIMINAL APPEALS

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Gilbert M. Spring, the Petitioner herein, prays that a Writ of Certiorari issue to review the judgment of the Texas Court of Criminal Appeals at Austin, Texas, which was entered in this cause on September 21, 1983.

OPINIONS BELOW

The opinion of the Texas Court of Criminal Appeals is unreported and is printed in Appendix A, hereto, infra, Page A-1. The order of the Texas Court of Criminal Appeals denying Petitioner's Motion For Rehearing is

printed in Appendix B, infra, Page B-1. The judgment of the trial Court, being the County Court at Law of Angelina County, Texas, is printed in Appendix C, hereto, infra, Page C-1.

JURISDICTION

The judgment of the Texas Court of Criminal Appeals was entered on the 21st day of September, 1983. A timely motion for rehearing was denied by the Court on November 16, 1983. The jurisdiction of the Supreme Court of the United States is invoked pursuant to 28 U.S.C. Sec. 1257(3).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the construction and application of the Texas Penal Code Sec. 38.03, which provides the following:

> SEC. 38.03. RESISTING ARREST OR SEARCH
>
> (a) A person commits an offense if he intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer's presence and at his direction from effecting an arrest or search of the actor or another by using force against the peace officer or another.
>
> (b) It is no defense to prosecution under this section that the arrest or search was unlawful.
>
> (c) Except as provided in Subsection (d) of this section, an offense under this section is a Class A misdemeanor.
>
> (d) An offense under this section is a felony of the third degree if the actor uses a deadly weapon to resist the arrest or search.

STATEMENT OF THE CASE

The Petitioner was convicted of resisting arrest under Texas Penal Code Sec. 38.03, which proscribes an offense when a person intentionally prevents or obstructs an officer from effecting an arrest by using force. Petitioner was convicted for violating the statute in the County Court at Law of Angelina County, Texas, and was assessed a fine of $500.00.

After his conviction, Petitioner appealed his conviction to the Texas Court of Criminal Appeals. The Texas Court of Criminal Appeals affirmed the conviction, with one dissent. Thereafter, Petitioner made a timely motion for rehearing which was denied by the Court. Petitioner seeks this review in this Court of the decision of the Courts below, because of his abiding belief that he has been branded a criminal without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

REASONS FOR GRANTING THE WRIT

I.

THE CONVICTION OF PETITIONER FOR RESISTING ARREST UNDER A STATE STATUTE WHICH PROVIDES THAT THE OFFENSE IS COMMITTED BY USING FORCE BUT THE TERM FORCE IS NOT DEFINED BY THE LAW IS A VIOLATION OF THE DUE PROCESS CLAUSE.

The State's pleading alleged that the Petitioner used force to resist arrest, but the State's pleading did not describe the nature or type of force allegedly used. The statute under which the Petitioner was convicted does

not contain a definition of the term force. Therefore, the State's pleading was not required to describe the nature or type of force allegedly used. The Petitioner cannot properly prepare to defend against an accusation when he is not informed of the nature or type of force allegedly used. The Petitioner has a right to be informed of what type of force he is accused of using on the police officer to prevent the arrest. The statute should define the term force and the State should be required to allege the nature or type of force allegedly used by Petitioner in resisting the arrest, such as swinging his fists, kicking the officer, slapping the officer, pushing the officer down, or whatever type force was allegedly used. The statute should contain a definition of the term force, so that the jury would be in a position to judge the Petitioner's conduct by one single standard of behavior, rather than each juror exercising his own subjective notion of what constitutes force. Since Texas Penal Code Sec. 38.03 does not define the term force, the statute is unconstitutionally vague and ambiguous and is a violation of the Due Process Clause of the United States Constitution.

II.

THE CONVICTION OF THE PETITIONER FOR RESISTING ARREST UNDER A STATE STATUTE WHICH PROVIDES THAT IT IS NO DEFENSE TO PROSECUTION THAT THE ARREST WAS UNLAWFUL IS A VIOLATION OF THE DUE PROCESS CLAUSE.

Sec. 38.03 of the Texas Penal Code provides that it is no defense to prosecution under this section that the arrest was unlawful. This is a change in the Texas law, since prior law provided that the person had a right to

resist an unlawful arrest. *Hardin v. State,* 49 S.W. 607. This statute is unconstitutional in that it violates the Due Process Clause of the United States Constitution. In *Ford v. State,* 538 S.W.2d 633, the Texas Court of Criminal Appeals held that Penal Code Sec. 38.03 is not unconstitutional. However, the Court did not cite any federal cases in its opinion.

Sec. 38.03 of the Penal Code negates the common law right to resist an unlawful arrest, and gives an officer the right to arrest anyone at any time for any reason or for no reason. The victim of such unlawful arrest is at the mercy of the officer and has no legal right to resist. In *Ford v. State,* supra, the Texas Court of Criminal Appeals held that Sec. 38.03(b) is constitutional as a valid exercise of the police power of the states. It is the contention of the Petitioner that Sec. 38.03(b) does not have anything to do with the police power of the State but is entirely a defense which the Defendant in a criminal case may raise when he has been the victim of an unlawful arrest. The theory of the *Ford* case goes off on the police power of the states to make and enforce laws for protection of the public. Sec. 38.03(b) has nothing to do with the police power of any state. It affects only a defense which a citizen could raise under the former law where he has been the victim of an unlawful arrest. By allowing a defendant to raise that defense that he was merely resisting an unlawful arrest does not interfere with the police power of the state to regulate society for protection of the public. To deny a citizen the right to defend himself against an illegal, unlawful arrest violates the Due Process Clause of the United States Constitution. Any law which allows the police to arrest anyone anytime for any reason or for no reason is not a valid exercise of police power but is the epitome of a police state.

III.

THE CONVICTION OF THE PETITIONER FOR RESISTING ARREST BY PREVENTING THE OFFICER FROM EFFECTING THE ARREST WHEN THE EVIDENCE SHOWS THAT PETITIONER DID NOT PREVENT THE OFFICER FROM EFFECTING THE ARREST IS A VIOLATION OF THE DUE PROCESS CLAUSE.

The Petitioner was convicted of resisting arrest by using force to prevent the officer from effecting the arrest of Petitioner. The evidence, however, conclusively shows that Petitioner did not, in fact, prevent the officer from effecting the arrest of Petitioner. This was pointed out by the dissenting opinion of Judge Clinton of the Texas Court of Criminal Appeals.

Texas Penal Code Sec. 38.03 proscribes an offense when a person "intentionally *prevents or obstructs* (an officer) from effecting an arrest . . . by using force . . ." In the case at bar, the prosecuting attorney who prepared the charging instrument opted to have it allege that Petitioner "did then and there intentionally, by using force . . . , *prevent* Stephen Sikes (the officer) . . . from effecting the arrest" of Petitioner. Thus, it is claimed that Petitioner "prevented," rather than "obstructed" the officer. All the testimony of the witnesses referred to by the majority opinion of the Texas Court of Criminal Appeals shows that Petitioner did *not* "prevent" Officer Sikes from effecting the arrest of Petitioner, as opposed to obstructing him from doing so. Thus, the evidence conclusively established that Petitioner was not guilty of the offense alleged by the State of Texas. Consequently, the conviction of Petitioner is a violation of the Due

Process Clause. Where fundamental constitutional rights are at stake, and one challenges the sufficiency of the evidence to support the deprivation thereof, a federal constitutional question is raised. See *Jackson v. Virginia*, 433 U.S. 307.

IV.

THE CONVICTION OF THE PETITIONER IS IN VIOLATION OF THE DUE PROCESS CLAUSE SINCE THE PROSECUTING ATTORNEY WAS ALLOWED TO CROSS-EXAMINE A CHARACTER WITNESS FOR PETITIONER ABOUT AN EXTRANEOUS OFFENSE ALLEGEDLY COMMITTED BY THE PETITIONER.

During the trial of this case, the Petitioner called a character witness to testify in his behalf. The character witness, the District Attorney for Shelby County, Texas, testified that the Petitioner has a good reputation for truthfulness and for being a law abiding person. On cross-examination, the prosecuting attorney asked the witness if he had heard that the Petitioner had exposed himself to a cocktail waitress at a private club. The witness stated that he had not heard such but that it would not change his opinion, because he would not be inclined to believe it. The Petitioner's attorney vigorously objected, but the objection was overruled and the jury was allowed to hear and consider such question and answer. It is the contention of Petitioner that such a "have you heard" question was improper and highly prejudicial to the right of the Petitioner to a fair trial.

The Texas Court of Criminal Appeals allows cross-examination by the State to ask a character witness if he has heard of a specific act of misconduct. The only

requirement is that the act be inconsistent with the character trait about which the witness has testified. The rationale behind the rule is that reputation is an opinion based on hearsay. The reputation witness states his opinion based on what he has heard from others concerning the defendant. In order to test this opinion, the prosecution is allowed to determine whether the witness has heard of acts or reports which would be inconsistent with a good reputation. That is the rule which has been enunciated by the Texas Court of Criminal Appeals. See *Ward v. State*, 591 S.W.2d 810 and *Jewell v. State*, 593 S.W. 2d 314.

It is the contention of the Petitioner that such a "have you heard" question asking if the witness has heard that Petitioner had exposed himself to a cocktail waitress at a private club is so highly inflammatory and prejudicial to the Petitioner that his right to a fair trial was violated. What protection does a defendant have from an over zealous prosecutor who is tempted to fabricate such a "have you heard" question without any evidence to substantiate the question? There must be some constitutional safeguard to protect the defendant in such a situation.

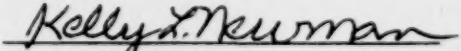
The only recourse the defendant has is to surrender his Fifth Amendment privilege against self incrimination by taking the witness stand in order to deny such accusation. That means that the defendant opens up himself for extensive cross-examination about the facts of the case on trial as well as the extraneous accusations implied by the "have you heard" question. The result is that the defendant is forced to defend against an accusation which was not alleged in the State's pleading, and the defendant would not have time to prepare a defense

against such accusation and would not have an opportunity to obtain witnesses to refute such accusation during the middle of a trial. It is the contention of Petitioner that the Texas Court of Criminal Appeals allows prosecuting attorneys to ask such "have you heard" questions in violation of the secured rights of the accused under the Due Process Clause, because the surprise accusation accuses the defendant of an extraneous offense for which he has no time or opportunity to prepare a defense, which results in such prejudice in the minds of the jury that the defendant is denied a fair trial.

CONCLUSION

For the reasons set forth in this Application, Petitioner prays this petition be granted and Writ of Certiorari issue to review the decision and judgment of the Texas Court of Criminal Appeals.

Respectfully submitted,



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APPENDIX A

NO. 65,359

GILBERT M. SPRING, Appellant

v.

THE STATE OF TEXAS, Appellee

Appeal from Angelina County

OPINION

Appellant was convicted of resisting arrest. Punishment was assessed at a $500 fine. Since appellant challenges the sufficiency of the evidence in his first two grounds of error, a brief rendition of the facts is required.

Freeland Goldman testified that he was a Diboll police officer. On the date in question, Goldman had pulled over a traffic violator when appellant pulled up and parked his automobile on the side of the road. Goldman stated he was unable to speak to the traffic violator because appellant exited his car and began complaining in a loud voice that Goldman had run him off the roadway. Appellant was very upset and began arguing with Goldman. Goldman unsuccessfully attempted to quiet appellant down. After asking appellant to settle down several times, Goldman told appellant that if he did not move on he would be arrested for disorderly conduct. Appellant answered that Goldman was not going to do anything to him. Goldman then informed appellant he was under arrest and reached for his handcuffs. Appellant grabbed Goldman's handcuffs and threw them into the roadway, where they were run over by oncoming traffic. Goldman attempted

to place appellant in his patrol car. As Goldman grabbed appellant around the waist, appellant began to struggle and fight. Realizing he was going to have trouble with appellant, Goldman called a backup unit and waited for another officer to arrive. While he was waiting, an off-duty Lufkin police officer, Jimmie Robinson, arrived. Robinson's attempts to calm appellant were to no avail. Robinson then left the scene.

Finally, Officer Sikes, another Diboll police officer, arrived on the scene. Both Sikes and Goldman were in uniform during this time. Sikes attempted to cool appellant down. When that failed, appellant was asked to get into the patrol car and he refused. The officers again attempted to place appellant in the patrol car. Although the officers were successful in placing the upper half of appellant's body in the car, appellant used his legs to kick at the officers. Officer Sikes was kicked in the shoulder. The officers were ultimately able to get the door closed and they transported appellant to the police station. At trial, Goldman testified that neither he nor Officer Sikes were ever hit, slapped, scratched or punched at by appellant.

Officer Sikes testified that he was called to assist Officer Goldman. Sikes testified that as a result of appellant's kicking, his arm was pulled out of its socket. Sikes had to go to the hospital for treatment.

Jimmie Williams, a truck driver, testified that he witnessed Officer Goldman make the initial stop and observed appellant pull off the road and approach the officer. His testimony coincided with that of the officers.

The information alleged that appellant:

> ". . . did then and there intentionally, by using force against Stephen Sikes, to-wit: Diboll Policeman, prevent Stephen Sikes, a person Gilbert Manley Spring knew to be a peace officer, from effecting the arrest of the said Gilbert Manley Spring."

Appellant argues that since the evidence shows he did not hit Officer Sikes the evidence is insufficient. Appellant argues that he merely refused to cooperate with the police officers and thus if he is guilty of anything he is guilty only of evading arrest. V.T.C.A., Penal Code, Section 38.04.

A key element of the offense of resisting arrest is the use of force against the peace officer by the accused. Viewing the evidence in the light most favorable to the verdict, we find the evidence is sufficient. The evidence shows that appellant utilized force in trying to stop the police officers from putting him in the patrol car. Indeed, appellant's kicking caused Officer Sikes' arm to be pushed out of its socket and Sikes was required to obtain medical aid. See, Washington v. State, 525 S.W.2d 189 (Tex. Cr. App. 1975); Jones v. State, 620 S.W.2d 129 (Tex. Cr. App. 1981); cf. Barnett v. State, 615 S.W.2d 220 (Tex. Cr. App. 1981), appeal dismissed 454 U.S. 806, 102 S.Ct. 79, 70 L.Ed.2d 75 (1981) (evidence of kicking was sufficient to show resisting arrest in revocation of probation hearing). Appellant's first two grounds of error are overruled.

In his third ground of error, appellant argues that the information is faulty because it fails to set out the means of force used to resist the arrest. No motion to quash was urged, thus, only fundamental error requires reversal. American Plant Food Corporation v. State, 508 S.W.2d

598 (Tex. Cr. App. 1974). Where the charging instrument alleges an offense tracking the statute, it is ordinarily sufficient. Kipperman v. State, 626 S.W.2d 507 (Tex. Cr. App. 1981); Thomas v. State, 621 S.W.2d 158 (Tex. Cr. App. 1980). The allegation of force in the instant case is sufficient in that the means of force is essentially evidentiary and the State need not plead its evidence in the charging instrument. Thomas v. State, supra. Appellant's third ground of error is overruled.

In his fourth ground of error, appellant contends that V.T.C.A., Penal Code, Section 38.03, is unconstitutionally vague and indefinite in that the term "force" is not defined. A statute will not be found vague and indefinite merely because the words or phrases are not specially defined. Koah v. State, 604 S.W.2d 156 (Tex. Cr. App. 1980). According to V.T.C.A., Penal Code, Section 1.05(b), and Article 5429-2, Section 2.01, V.A.C.S., the term "force" is to be construed according to its common meaning. "Force" is defined in Webster's New Collegiate Dictionary, (G. & C. Merriam Co. 1980), as

> "3: violence, compulsion or constraint exerted upon or against a person or thing."

Because a person of common intelligence can determine what is meant by the use of the word "force", we hold that the statute is not unconstitutionally vague or indefinite. Appellant's fourth ground of error is overruled.

In his fifth ground of error, appellant challenges the constitutionality of V.T.C.A., Penal Code, Section 38.03 (b), on the basis that it does not provide a defense to prosecution if the arrest was unlawful. Appellant acknowledges that in Ford v. State, 538 S.W.2d 633 (Tex. Cr.

App. 1976), this Court held that Section 38.03(b), supra, was not unconstitutional in negating the common law right to resist an unlawful arrest. See also, Barnett v. State, supra; White v. State, 601 S.W.2d 364 (Tex. Cr. App. 1980). However, appellant argues that Section 38.03(b) is clearly unconstitutional by itself. He further argues that it must be read together with V.T.C.A., Penal Code, Sections 9.31[1] and 9.51,[2] in order to be saved from constitutional defect. Thus he argues, in each case the State must plead and prove that the officer had a reasonable belief that the arrest was lawful.

We continue to adhere to the reasoning in *Ford, Barnett* and *White*, that Section 38.03 of the penal code is a valid exercise of the police power and does not violate the United States or Texas Constitution. Appellant's fifth ground of error is overruled.

In his sixth ground of error, appellant complains of an allegedly improper "have you heard" question asked by the State. After the district attorney for Shelby County testified that appellant's reputation for truth and veracity and for being a law-abiding citizen was good, the State elicited the following on cross-examination:

---

1. Section 9.31(c), supra, provides as follows:
"(c) The use of force to resist an arrest or search is justified:
"(1) if, before the actor offers any resistance, the peace officer (or person acting at his direction) uses or attempts to use greater force than necessary to make the arrest or search; and
"(2) when and to the degree the actor reasonably believes the force is immediately necessary to protect himself against the peace officer's (or other person's) use or attempted use of greater force than necessary."

2. Section 9.51, supra, governs the conduct of a peace officer who reasonably believes the arrest he is making is *lawful*.

"Q. (By Mr. Register) Mr. Warren, have you heard that this past year or during 1979 that Mr. Spring had exposed himself to one of the waitresses at the Fox Kat Club?

"MR. NEWMAN: I'm going to voice an objection. My objection is based upon the fact that counsel is attempting to incriminate the defendant by innuendo and seeking to prejudice the jury against the defendant by asking for hearsay. He's asking a question that calls for a hearsay answer that by innuendo would prejudice the jury against the defendant. And I object to it on that ground.

"THE COURT: Your objection is overruled.

The witness may answer the question, if he understood it."

Where the appellant first asks his own witness about the appellant's reputation, then in cross-examining these reputation witnesses the State is permitted to ask such a witness if he has heard of a specific act of misconduct. Brown v. State, 477 S.W.2d 617 (Tex. Cr. App. 1972). The purpose of such questions is to test the credibility of the witness' testimony concerning the accused's reputation. Since reputation is based on hearsay, the State may properly inquire whether he has heard hearsay inconsistent with his opinion. Hoffert v. State, 623 S.W.2d 141 (Tex. Cr. App. 1981). This is ordinarily accomplished by asking "have you heard" questions.

Appellant argues that the "have you heard" question asked in the instant case was not consistent with his reputation for being truthful and law-abiding and therefore the question was harmful and prejudicial. We note that V.T. C.A., Penal Code, Section 21.08 makes it a crime for a person to expose his genitals to another. Since appellant's

reputation for being a law-abiding person was in issue, we hold the question was not improper. No error was committed. Appellant's sixth ground of error is overruled.

The Judgment is affirmed.

Per Curiam

(Delivered September 21, 1983)

En Banc

Odom, J., not participating

Do Not Publish

NO. 65,359

GILBERT M. SPRING, Appellant

v.

THE STATE OF TEXAS, Appellee

Appeal from ANGELINA County

DISSENTING OPINION

V.T.C.A. Penal Code, § 38.03 proscribes an offense when a person "intentionally *prevents or obstructs* [an officer] from effecting an arrest . . . by using force . . ."[1] In the case at bar whoever drafted the information opted to have it allege that appellant "did then and there intentionally, by using force . . . , *prevent* Stephen Sikes . . . from effecting the arrest" of appellant. Thus, it is claimed that appellant "prevented," rather than "obstructed" the officer. All the testimony referred to by the majority shows that appellant did *not* "prevent" Officer Sikes from effecting the arrest of appellant, as opposed to "obstructing" him from doing so.[2] Thus, the evidence is insufficient to support a finding of guilt of the offense alleged.[3]

---

1. All emphasis is added throughout by the writer of this opinion unless otherwise indicated.

2. The opinion of the Court recognizes as much: "The evidence shows that appellant utilized force *in trying to stop* the police officers from putting him in the patrol car," Slip Opinion, p. 2.

3. Each decision cited by the Court either found evidence sufficient to support a finding of "obstructing" [Washington v. State, 525 S.W.2d 189, 191 (Tex. Cr. App. 1975)], or was not called upon to and did not differentiate between the two means of resisting arrest [Jones v. State, 620 S.W.2d 129 (Tex. Cr. App. 1981)] and also 606 S.W.2d 856 (Tex. Cr. App. 1980), and Barnett v. State, 615 S.W.2d 220 (Tex. Cr. App. 1981).

I dissent.

CLINTON, Judge

(Delivered September 21, 1983)

EN BANC

DO NOT PUBLISH

APPENDIX B

COURT OF CRIMINAL APPEALS OF TEXAS

CLERK'S OFFICE

Austin, Texas, November 16, 1983

Dear Sir:

I have been instructed to advise that the Court has this day denied "Leave to File" the Appellant's Motion for Rehearing in Cause No. 65,359, GILBERT M. SPRING vs. THE STATE OF TEXAS, Appellee.

Sincerely yours,

THOMAS LOWE, Clerk

APPENDIX C

IN THE COUNTY COURT AT LAW OF
ANGELINA COUNTY, TEXAS AT
LUFKIN, TEXAS

THE STATE OF TEXAS

v.

GILBERT M. SPRING

Cause No. 10091

JUDGMENT

The 13th day of December, A.D., 1979, came on for consideration the foregoing cause, wherein Gilbert M. Spring, Defendant, stands charged by information, for the offense of Resisting Arrest, as more fully set out in said instrument. The State of Texas appeared in person and by attorney. Said Defendant having been duly arraigned, and having pleaded not guilty to the charge herein, both parties announced ready for trial, and thereupon a jury, to-wit: Kenneth Thornton, and five others, was duly selected, impaneled and sworn, who having heard the information read and the Defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the Court, retired in charge of the proper officer, the Defendant and his counsel being present, and in due form of law returned into open court the following verdict, which was received by the Court

and is here now entered upon the minutes of the Court, to-wit:

> "We, the Jury, find the Defendant guilty as charged."
>
> /s/ KENNETH THORNTON
> Foreman

It is therefore considered and adjudged by the Court that the Defendant, Gilbert M. Spring, is guilty of the offense of resisting arrest, as found by the jury.

/s/ DAVID W. COOK
Judge Presiding

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